



**CITY OF MCMINNVILLE
PLANNING DEPARTMENT**
231 NE FIFTH STREET
MCMINNVILLE, OR 97128

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DECISION, CONDITIONS OF APPROVAL, FINDINGS OF FACT, AND CONCLUSIONARY FINDINGS FOR THE APPROVAL OF AN ADMINISTRATIVE VARIANCE AT 2285 NW WOODLAND DRIVE

- DOCKET:** AV 1-19 (Administrative Variance)
- REQUEST:** Approval to reduce the required setback for the proposed construction of a model home on the subject property. The reduced setback would apply to the exterior side yard, and the requested reduction is within the ten (10) percent reduction that is allowable through the administrative variance process.
- LOCATION:** The subject property is located at 2285 NW Woodland Drive and is more specifically described as Lot 1, Phase 1, Baker Creek West subdivision, Section 18, T. 4 S., R. 4 W., W.M.
- ZONING:** R-1 PD (Single Family Residential, Planned Development)
- APPLICANT:** Terry LaMasters, on behalf of LGI Homes-Oregon, LLC, property owner
- STAFF:** Jamie Fleckenstein, PLA, Associate Planner
- DATE DEEMED COMPLETE:** January 16, 2019
- HEARINGS BODY:** McMinnville Planning Director
- DATE & TIME:** February 13, 2019. Community Development Center, 231 NE 5th Street, McMinnville, Oregon.
- COMMENTS:** This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. Their comments are provided in this exhibit.
- PROCEDURE:** A request for an Administrative Variance requires an application to be reviewed by the Planning Director as described in Section 17.72.110 of the McMinnville City Code.
- CRITERIA:** The applicable criteria are specified in Section 17.74.090 of the McMinnville City Code.
- APPEAL:** The decision may be appealed within 15 days of the date the decision is mailed as specified in Section 17.72.170 of the McMinnville Zoning Ordinance.

DECISION

Based on the findings and conclusions, the Planning Director recommends **APPROVAL WITH CONDITIONS** of the administrative variance request (AV 1-19).

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DECISION: APPROVAL WITH CONDITIONS
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Planning Department: 
Heather Richards, Planning Director

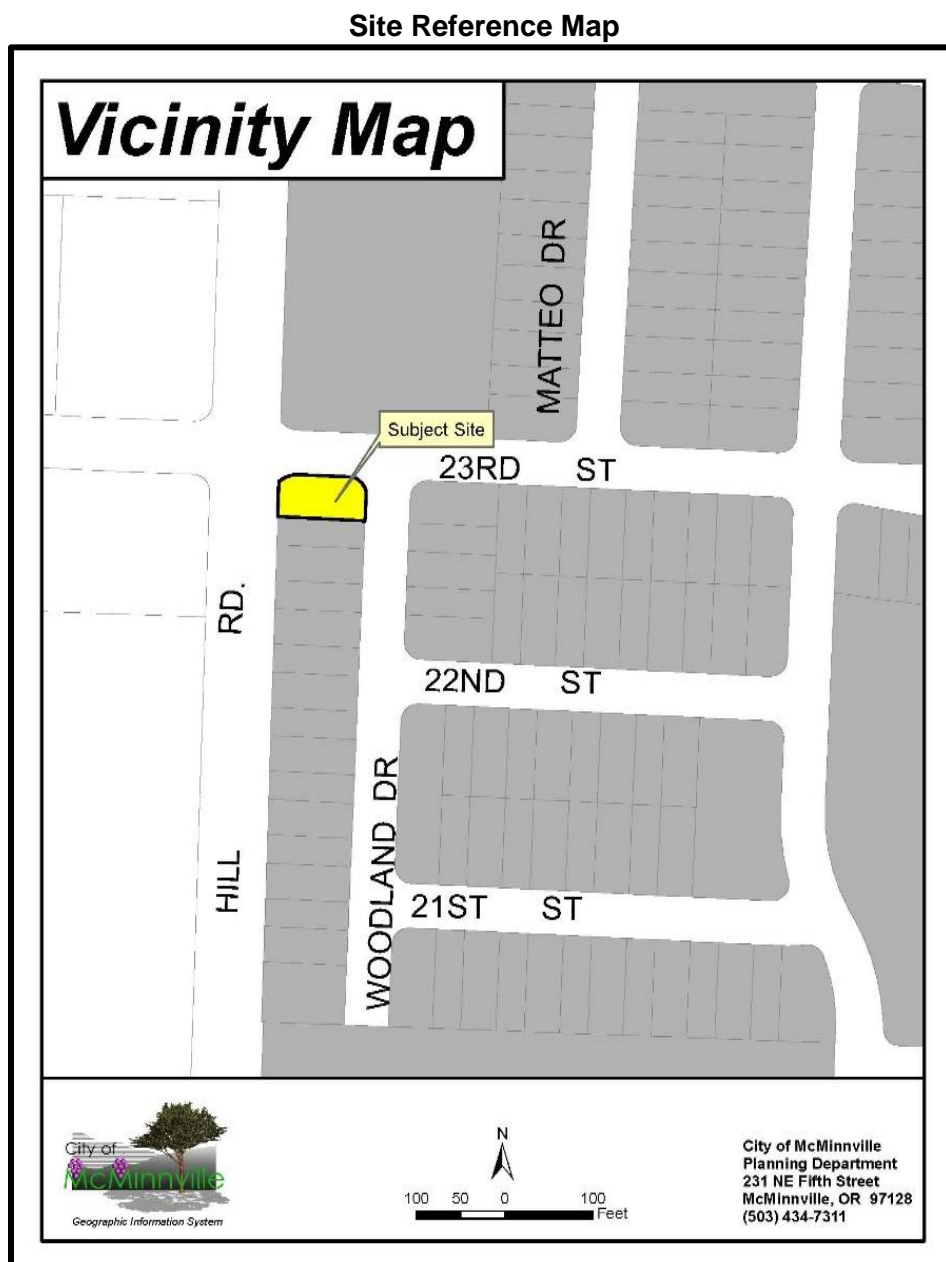
Date: February 13, 2019

APPLICATION SUMMARY:

The applicant has requested an administrative variance to reduce the required setback for the proposed construction of a new model home on the subject property. The reduced setback would apply to the exterior side yard, and the requested reduction is within the ten (10) percent reduction that is allowable through the administrative variance process.

The applicant is proposing to construct a model home on the property to serve as a sales office for the Baker Creek West subdivision. In order to provide a functional site layout, the applicant is requesting to reduce the required exterior side yard setback requirement. Specifically, the applicant is requesting that the exterior side yard setback be reduced from 15 feet to 13.7 feet. This setback reduction would allow the applicant to construct the model home on the property.

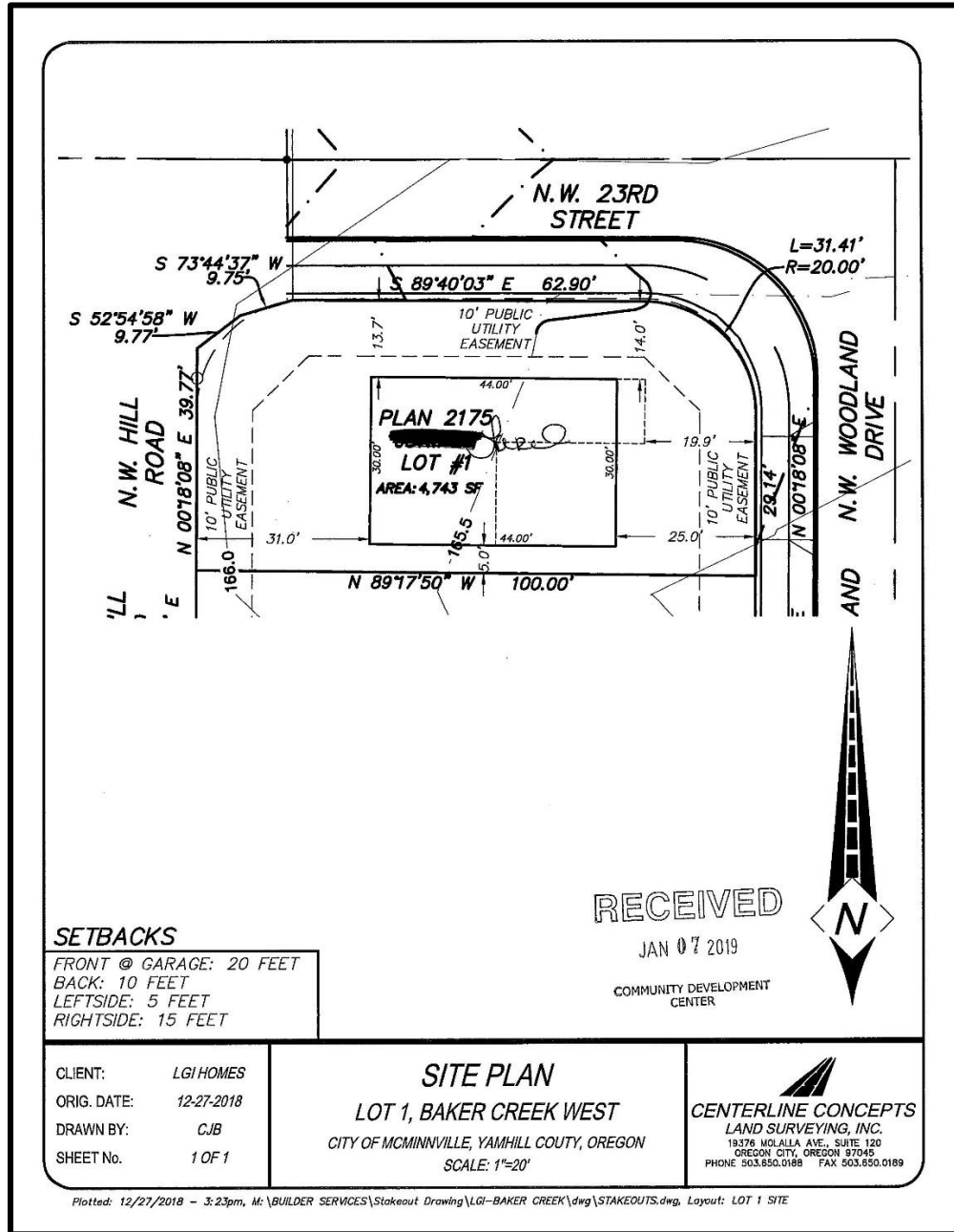
A map of the subject site and the proposed site plan are provided below:



Attachments:

Attachment 1 – Application and Attachments

Proposed Site Plan



CONDITIONS OF APPROVAL:

1. That landscaping be provided in a five (5) foot wide planting area on the north side of the building in the reduced exterior side yard adjacent to the public right-of-way.

ATTACHMENTS:

1. Application and Attachments (on file with the Planning Department)

Attachments:

Attachment 1 – Application and Attachments

COMMENTS:

This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. The following comments have been received.

- McMinnville Engineering Department
No comments
- McMinnville Water & Light
MW&L has no comments on this application.

FINDINGS OF FACT

1. The applicant, Terry LaMasters, on behalf of LGI Homes-Oregon, LLC, has requested a variance to reduce the required setback for the proposed model home on the subject property. The reduced setback would apply exterior side yard, and the requested reduction is within the ten (10) percent reduction that is allowable through the administrative variance process.
2. The property is located at 2285 NW Woodland Drive and is more specifically described as Lot 1, Phase 1, Baker Creek West subdivision, Section 18, T. 4 S., R. 4 W., W.M.
3. The subject property is currently zoned R-1 PD (Single Family Residential Planned Development), and is designated as Residential on the McMinnville Comprehensive Plan Map, 1980.
4. This matter was referred to the following public agencies for comment: McMinnville Fire Department, Police Department, Parks and Recreation Department, Engineering and Building Departments, City Manager, and City Attorney, McMinnville School District No. 40, McMinnville Water and Light, Yamhill County Public Works, Yamhill County Planning Department, Recology Western Oregon, Frontier Communications, Comcast, Northwest Natural Gas. No comments in opposition were provided to the Planning Department.
5. Notice of the application was provided by the McMinnville Planning Department to property owners within 100 feet of the subject site, consistent with Section 17.72.110 of the McMinnville Zoning Ordinance. No public comments were received by the Planning Department.
6. The applicant has submitted findings (Attachment 1) in support of this application. Those findings are herein incorporated.

CONCLUSIONARY FINDINGS:**McMinnville's Comprehensive Plan:**

The following Goals and policies from Volume II of the McMinnville Comprehensive Plan of 1981 are applicable to this request:

Attachments:

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GOAL X 1: TO PROVIDE OPPORTUNITIES FOR CITIZEN INVOLVEMENT IN THE LAND USE DECISION MAKING PROCESS ESTABLISHED BY THE CITY OF MCMINNVILLE.

Policy 188.00: The City of McMinnville shall continue to provide opportunities for citizen involvement in all phases of the planning process. The opportunities will allow for review and comment by community residents and will be supplemented by the availability of information on planning requests and the provision of feedback mechanisms to evaluate decisions and keep citizens informed.

Finding: Satisfied. Goal X 1 and Policy 188.00 are satisfied in that McMinnville continues to provide opportunities for the public to review and obtain copies of the application materials and completed staff report prior to the McMinnville Planning Director's review of the request. All members of the public have access to provide testimony and ask questions during the public review and hearing process.

McMinnville's City Code:

The following Sections of the McMinnville Zoning Ordinance (Ord. No. 3380) are applicable to the request:

Chapter 17.72 – Applications and Review Process

17.72.110 Applications – Director's Review with Notification. The following applications shall be submitted as stated above in Section 17.72.020 and shall be reviewed by the Planning Director or designee.

Administrative Variance [...]

- A. Notice of the request shall be provided to owners of property within 100 feet of the site for which the application is made. For applications involving classification of an unlisted use, the only notification provided shall be that published in a newspaper of general circulation a minimum of 14 (fourteen) days prior to a decision being rendered. Notices for applications listed in Section 17.72.110 shall:
 1. Provide a 14 (fourteen) day period for submission of written comments prior to the decision;
 2. State that issues which may provide the basis for an appeal to the Land Use Board of appeals (LUBA) shall be raised in writing prior to the expiration of the comment period. Issues shall be raised with sufficient specificity to enable the decision maker to respond to the issue;
 3. List, by commonly used citation, the applicable criteria for the decision;
 4. Set forth the street address or other easily understood geographical reference to the subject property;
 5. State the place, date and time that comments are due;
 6. State that copies of all evidence relied upon by the applicant are available for review, and that copies can be obtained at cost;
 7. Include the name and phone number of a local government contact person;
 8. Provide notice of the decision to the applicant and any person who submits comments under subparagraph (A) of this paragraph. The notice of decision must include an explanation of appeal rights; and
 9. Briefly summarize the local decision making process for the land use decision being made.
- B. During the 14 (fourteen) day comment period, a person who has received notice may request a public hearing following the procedure as outlined in Section 17.72.120.
- C. The Director or designee shall make a decision for the above applications within 30 (thirty) days following the close of the 14 (fourteen) day comment period. The Director's decision may be appealed as outlined in Section 17.72.170.

Attachments:

Attachment 1 – Application and Attachments

Finding: Satisfied. The administrative variance application was reviewed and noticed as described in Section 17.72.110. No comments were received from the public or from surrounding property owners included on the property owner notification that was sent to owners within 100 feet of the subject site.

Chapter 17.74 – Review Criteria

17.74.080 Administrative Variance Limitations. Limitations for an administrative variance are outlined in Section 17.74.090. A request for an administrative variance beyond these limitations shall be submitted and processed as a variance application.

Finding: Satisfied. The administrative variance requested is within the limitations outlined in Section 17.74.090, as described in more detail below.

17.74.090 Administrative Variance-Review Criteria. The Planning Director may grant limited adjustments to the terms of this title as follows:

- A. Lot area: Maximum possible adjustment of one percent of the minimum lot area, but not more than 90 (ninety) square feet;
- B. Setbacks: Maximum adjustment of 10 (ten) percent of the required setback.
- C. These provisions shall be used sparingly and shall not be exceeded except by regular referral to the Planning Commission.
- D. Special conditions may be attached to adjustments if such conditions relate directly to the adjustments.

Subjects not allowable for adjustment are: number of dwelling units permitted, parking requirements, height of building, vision clearance area, density or use of property.

Finding: Satisfied. The applicant has requested an 8.67 percent reduction in the required exterior side yard setback for the proposed construction of model home on the subject site. Specifically, the applicant is requesting that the exterior side yard setback be reduced from 15 feet to 13.7 feet. The applicant intends to use the reduced setback requirements to construct a model home on the property.

The applicant has indicated that the reduced exterior side yard setback would not be detrimental to surrounding properties. The subject property is located at the corner of NW 23rd Street and NW Woodland Drive, at the entrance to the Baker Creek West subdivision. The property does not abut another property on NW 23rd Street, where the reduced exterior side yard setback would be applied. Across 23rd Street from the subject site is an approved multi-family apartment complex with an exterior side yard building setback of 20 feet. Across Woodland Drive from the subject site is an undeveloped lot subject to a required 15 foot exterior side yard setback. The less than 1.5 foot reduction of the yard setback would encroach on the public right-of-way, but not on any abutting lot. The reduction of the exterior side yard setback allows the interior side yard setback adjacent to Lot 2 to the south to remain as required.

In order to mitigate for the reduced setback, a condition of approval has been included as allowed by Section 17.74.090(D). As the building will be closer to the side property line and therefore closer to the adjacent public right-of-way, the condition of approval requires that landscaping be provided in a five (5) foot wide planting area adjacent to the north side of the building to act as a screening buffer and help ensure a minimal impact on the public viewshed.

Attachments:

Attachment 1 – Application and Attachments

Planned Development Requirements:

The site of the proposed administrative variance is subject to an approved and binding subdivision plan, which was approved as a Planned Development under Docket AP 1-17 and adopted by Ordinance No. 5021. Specific conditions of approval from the Planned Development apply to this request as follows:

3. That the minimum lot sizes, widths, building envelope widths and yard setbacks for single-family residential lots shall be as follows according to the following lot types identified by the applicant on the Overall Subdivision Plan: [...]

D. SFD-40 Lots – Permitted Exclusively in BCW

4,000 square foot minimum lots

Minimum Lot Width of 40 feet

Minimum Building Envelope Width of 30 feet

Setbacks:

Front Yard – 15 feet

Distance to Garage Front – 20 feet

Rear Yard – 20 feet

Interior Side Yard – 5 feet

Exterior Side Yard – 15 feet

Finding: *Satisfied*. The applicant has requested an administrative variance to reduce the exterior side yard setback from 15 feet to 13.7 feet. The administrative variance process allows for a reduction in setback requirements by up to 10 percent of the standard required setback. The requested reduction of 1.3 feet is less than 1.5 feet, 10 percent of the required 15 foot exterior side yard setback. All other required setbacks shall remain in effect.

JF:sjs